

REMARKS

Claims 1-16 are currently pending in the application.

Applicants thank the Examiner for bringing applicants' inadvertent failure to elect a species to the attention of their representative. Any inconvenience is regretted.

With regard to the Examiner's Election of Species Requirement, Applicants respectfully traverse the grounds stated hereafter and respectfully request reconsideration of the election of species requirement.

The gist of the invention is the identification of one or more genes (gene signature) informative of the proliferative status of endothelial cells. See for example, Example 1, which discusses the potential "gene expression" characteristics of proliferating HDMVEC and RHMVEC cultures, page 24, lines 14-35. The example goes on to state that Table 3 provides a list of genes comprising the "HDMVEC Proliferative Signature identified in the expression profiles illustrated in Figure 2." Likewise, according to the specification, Example 1, Table 4 provides a list of genes comprising "the RHMVEC Proliferative Signature...". Thus, choosing or being forced to choose one gene from a collection that may constitute a signature may be unfair to the spirit of the claimed invention. As a consequence, Applicant's respectfully request the Examiner to reconsider this aspect of the election requirement. Towards this end, the Examiner is invited to call the undersigned to discuss Applicant's request in more detail.

However, to be responsive, Applicants elect Angpt2 as the species without prejudice to joining the other species gene products upon identification of an allowable generic claim.

Applicants retain the right to petition from the restriction requirement under 37 C.F.R. §1.144. Favorable reconsideration of the Restriction requirement is respectfully requested.

It is believed that the claims are in a condition for allowance and a notice to that effect is earnestly solicited.

If the Examiner believes that a telephone conference would be of value, he is requested to call the undersigned counsel at the number listed below.

Any additional fees required in connection with this submission may be taken from Merck Deposit Account No. 13-2755.

Respectfully submitted,

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